

Exhibit “S” to Amended Verified Petition



Wehran EnviroTech

Wehran-New York, Inc.
666 East Main Street
P.O. Box 2006
Middletown, New York 10940
Tel: 914-343-0660
Fax: 914-343-1946

March 23, 1989

Mr. William J. Kelly, Jr.
Planning Board Chairman
Town of Montgomery
74 Main Street
Walden, New York 12586

RE: Mehlon Trucking Mining Permit
(WE Project No. 07534)

Dear Mr. Kelly:

We have reviewed your letter of January 13, 1989 to Emil Gironda, Esq. regarding the above referenced application and have made revisions as necessary to address your concerns. Below, in the same order as presented, is a summary of each revision with clarification where needed.

Comment 1: Page 5 of the long EAF has been revised to show that the Town Planning Board must approve a special use permit.

Comment 2: On page 6 of the EAF, the reference to construction lasting over a year has been omitted.

Comment 3: Page 2-9 of the Mined Land-Use Plan has been revised such that blast warning information will be transmitted to nearby property owners and other involved parties in writing.

Comment 4: Regarding the need for a performance bond for the entrance and access road improvements: the applicant will be required to post a bond with the New York State Department of Environmental Conservation (NYSDEC) Bureau of Mineral Resources prior to commencement of any activity at the site. Furthermore, these improvements as described in the Mined Land-Use Plan will be a condition of operation under the NYSDEC Mining Permit. Failure to install improvements as described will jeopardize the permittees right to operate.

Comment 5: As described in the Mined Land-Use Plan, Section 3.0 Reclamation, topsoil will be replaced on the prepared slopes to a depth of 6 inches. The topsoil will consist of original topsoil material and additional material suitable for sustaining vegetation. The topsoil will then be fertilized and seeded with a mixture of crown vetch, spreading fescue and perennial rye grass. The slopes will be mulched if seeding occurs during the winter months.

The specified depth of topsoil is consistent with that naturally occurring at the site. Typically, soil depths range from none to as much as one foot over the shale ledge. The fertilizer and seeding mixtures are based on recommendations from the Orange County Soil and Water Conservation District for the northern part of Orange County.

*3-27-89 Received - Arthur
Parr & Bill Lick. Chomicki*

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Comment 6: A detail showing an undistorted view of the profile of the hill has been added to the plans. See Section A'-A' on Sheet 5.

Comment 7: The frame structure presently under construction in the southern portion of the property is intended as a single family dwelling for the applicant. A building permit was issued September 15, 1988, Number 2964, by the Town of Montgomery.

Comment 8: The location of the gate as shown allows ample room for trucks to pull completely off Kings Hill Road and out of the line of traffic in the event that the gate is unexpectedly closed.

Comment 9: We have forwarded Comment 9 to the applicant's attorneys and a letter is forthcoming addressing the location of the property within the Town of Montgomery.

We look forward to the Planning Board's determination regarding the State Environmental Quality Review (SEQRA) and identification of Lead Agency. We furthermore respectfully request that a public hearing for the Special Use Permit be scheduled at the earliest possible date. For your use we have attached six sets of the revised Mined Land-Use Plan with Engineering Plans and a revised long EAF. Thank you for your time and consideration in this matter. If we can be of further assistance, please do not hesitate to contact this office or Mr. Emilio Gironda, Esq., 525 North Plank Road, Newburgh, New York 12550.

Very truly yours,

WEHRAN - NEW YORK, INC.



Frances C. Geissler
Project Manager

FCG/pn
Enc.

cc: Leon Mehl
Emil Gironda
Robert Dinardo
Alan Bjornsen